

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ESTEBAN MONTANO, DAVID MENDEZ,)	
JULIO PERALES, RICARDO RUIZ, and)	
YESENIA MENDEZ,)	
)	
Plaintiffs,)	No. 97 C 8035
)	
v.)	Chief Judge James F. Holderman
)	
CITY OF CHICAGO, et al.)	
)	
Defendants.)	

DEFENDANT KENNETH MADUZIA'S RULE 50
MOTION FOR JUDGMENT AS A MATTER OF LAW

Defendant, KENNETH MADUZIA, by his attorneys, JOHN T. GROARK, RICHARD M. KAPLAN, and CLAUSEN MILLER P.C., moves this Court to enter judgment as a matter of law in favor of Defendant Kenneth Maduzia ("Maduzia") and against Plaintiffs' Esteban Montano ("Montano"), Julio Perales ("Perales"), and Ricardo Ruiz ("Ruiz"), pursuant to Rule 50(a)(1)(A) of the Rules of Civil Procedure, and state as follows:

1. Montano, Perales and Ruiz have brought claims against Maduzia for unreasonable search pursuant to the Fourth Amendment of the United States Constitution and appropriate statutes.

2. Montano, Perales and Ruiz have presented testimony during the jury trial commencing on April 25, 2011 and finishing on May 3, 2011. These plaintiffs, Montano, Perales and Ruiz have rested their cases.

3. At no time, during the testimony presented to the jury, has any individual identified Defendant Maduzia, in Court or by name, as the police officer who allegedly ordered a

“strip search” on September 14, 1997. No individual has testified or identified that Maduzia was allegedly in the room when the supposed improper search occurred.

4. These plaintiffs have presented no evidence to identify or tie Officer Maduzia by person or even by name to any search, let alone any improper search. Absent such evidence, Montano, Perales and Ruiz have failed to sustain their burden of proof.

5. Absent any identification testimony or other evidence, a reasonable jury would not have a legally sufficient evidentiary basis to find against Maduzia and this Court should resolve the unreasonable search claims against the Plaintiffs Montano, Perales and Ruiz, and in favor of Defendant Maduzia.

WHEREFORE, Defendant, Kenneth Maduzia, respectfully requests that this Court enter judgment as a matter of law in his favor, pursuant to Rule 50, and for any other relief this Court deems fair and proper.

/s/John T. Groark

CLAUSEN MILLER P.C.

JOHN T. GROARK - ARDC #3124374
RICHARD M. KAPLAN - ARDC #1400231
CLAUSEN MILLER P.C.
10 South LaSalle Street
Chicago, Illinois 60603-1098
Phone: 312.855.1010
Fax: 312.606.7777
Attorneys for Defendants